

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DUSA PHARMACEUTICALS, INC. and
QUEEN'S UNIVERSITY AT
KINGSTON,

Plaintiffs,

Civil Action No. 04-12703 NMG

v.

NEW ENGLAND COMPOUNDING
PHARMACY, INC.,

Defendant.

STIPULATION OF DISMISSAL

Pursuant to Fed. R. Civ. P. 41(a)(1)(ii), the parties to this action hereby stipulate that all claims and counterclaims of the parties shall be dismissed with prejudice and without costs, interest, or attorneys' fees, and with all rights of appeal waived.

Respectfully submitted,

NEW ENGLAND COMPOUNDING
PHARMACY, INC.

DUSA PHARMACEUTICALS, INC.,
and QUEEN'S UNIVERSITY AT
KINGSTON,

By its attorneys,

By their attorneys,

/s/Daniel M. Rabinovitz (per telephone
authorization

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Dated: April 10, 2006

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent those indicated as non-registered participants on April 10, 2006.

/s/Edward J. Naughton

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